

REMARKS

The Examiner is thanked for the performance of a thorough search.

Claims 1, 3, 7-16, 24-27, and 29-31 have been amended. Claims 17-23 and 32-33 are withdrawn from consideration. Claims 1-16 and 24-31 are under examination.

SUMMARY OF THE REJECTIONS/OBJECTIONS

The title of the invention was objected to as not being descriptive. The specification was objected to for informalities. The drawings were objected to as being informal.

Claims 1-16 and 24-31 were rejected under 35 U.S.C 102(e) as being anticipated by Parker et al., U.S. Patent No. 6,677,976 ("Parker"). The rejection is traversed for reasons discussed below.

OBJECTIONS

The title of the invention was objected to as not being descriptive. Applicant has amended the title and respectfully asserts that the amended title is clearly indicative of the invention to which the claims are directed.

The specification was objected to for informalities. The specification has been amended to provide a Serial Number of a Related U.S. Patent Application. A paragraph referencing a provisional application, but not including a serial number, has been deleted because the provisional application is referenced in a paragraph previously added by preliminary amendment.

The drawings were objected to as being informal. The objection has been address with the attached replacement drawing sheets.

REJECTIONS BASED ON THE PRIOR ART

35 U.S.C 102(e)

Claims 1-16 and 24-31 were rejected under 35 U.S.C 102(e) as being anticipated by Parker. The rejection is traversed for the following reasons. The filing date of Parker is February 28, 2002. The filing date of the present application is August 15, 2001. Furthermore, the present application claims priority to a provisional (US Provisional Patent Application 60/331,331) filed on July 6, 2001. Therefore, the subject matter claimed in Claims 1-16 and 24-31 was invented no later than July, 6, 2001. Consequently, Parker is not a valid reference under 35 U.S.C. 102(e).

Applicant notes that Parker references two related applications (“related applications”), of which Parker is a continuation-in-part. Because Parker is a continuation-in-part of the related applications, the subject matter that the rejection relies upon in Parker to reject the claims under 35 U.S.C. 102(e) is not necessarily present in either related application. Therefore, Applicant respectfully asserts that the filing dates of the related applications cannot be used as a filing date of Parker for the 35 U.S.C 102(e) rejection. Moreover, regardless of Parker’s status as a continuation-in-part, neither related application has a filing date prior to July, 6, 2001, the filing date of the provisional application to which the present application claims priority. For the foregoing reasons, the filing dates of the related applications cannot be used to establish that Parker is a valid 35 U.S.C. 102(e) reference.

For the foregoing reasons, the Applicant respectfully asserts that Parker is not a valid reference under 35 U.S.C. 102(e). Therefore, Claims 1-16 and 24-31 are patentable over Parker.

CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Ronald M. Pomerence
Reg. No. 43,009

Date: August 22, 2005

2055 Gateway Place, #550
San Jose, CA 95110
Telephone: (408) 414-1080, ext. 210
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450.

on August 22, 2005

by Trudy Bagdon
Trudy Bagdon

AMENDMENTS TO THE DRAWINGS

The attached seven (7) sheets of drawings are submitted in response to the objection to the drawings. Sheet 1 replaces original sheet 1, and includes FIG. 1. Sheet 2 replaces original sheet 2, and includes FIG. 2. Sheet 3 replaces original sheets 3-4, and includes FIG. 3 and FIG. 4. Sheet 4 replaces original sheets 5-6, and includes FIG. 5 and FIG. 6. Sheet 5 replaces original sheets 7-8, and includes FIG. 7 and FIG. 8. Sheet 6 replaces original sheets 9-10, and includes FIG. 9A and FIG. 9B. Sheet 7 replaces original sheet 11, and includes FIG. 9C. No new matter has been added.